

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

SEVENTY-THIRD LEGISLATIVE DAY
WEDNESDAY, MARCH 22, 2006

Senate Chamber

President Risch called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Burkett and Goedde, absent and formally excused by the Chair; and Senators Cameron, Keough, Little, Lodge, Pearce, and Stegner, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Brigitte Harper, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 21, 2006, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 22, 2006

The JUDICIARY AND RULES Committee reports that **S 1458, S 1459, S 1460, S 1461, S 1462, and S 1463** have been correctly printed.

DARRINGTON, Chairman

S 1458, S 1459, S 1460, S 1461, and S 1463 were referred to the Finance Committee.

S 1462 was referred to the State Affairs Committee.

March 21, 2006

The JUDICIARY AND RULES Committee reports that **S 1442** has been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1442**, and ordered it transmitted to the House for the signature of the Speaker.

March 21, 2006

The JUDICIARY AND RULES Committee reports that Enrolled **S 1250, S 1251, S 1252, S 1299, S 1311, S 1312, S 1318, S 1319, S 1320, S 1322, S 1323, S 1324, S 1326, S 1328, S 1335, S 1336, S 1345, S 1347, S 1362, S 1371, S 1375, S 1385, S 1391, S 1396, S 1416, and S 1422** were delivered to the Office of the Governor at 10:55 a.m., March 21, 2006.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 21, 2005

The JUDICIARY AND RULES Committee reports that Enrolled **SJM 118** and **SJR 107** were delivered to the Office of the Secretary of State at 2:40 p.m., March 21, 2006.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 21, 2006

The FINANCE Committee reports out **H 819** with the recommendation that it do pass.

CAMERON, Chairman

H 819 was filed for second reading.

March 21, 2006

The TRANSPORTATION Committee reports out **H 760**, as amended, with the recommendation that it do pass and with the recommendation that it be placed on the Consent Calendar.

BRANDT, Chairman

H 760, as amended, was filed for second reading.

Senators Keough, Little, and Stegner were recorded present at this order of business.

March 21, 2006

The HEALTH AND WELFARE Committee reports out **HCR 48, HCR 49, HCR 51, and HCR 52** with the recommendation that they do pass.

COMPTON, Chairman

HCR 48, HCR 49, HCR 51, and HCR 52 were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 22, 2006

The FINANCE Committee reports out **S 1458, S 1459, S 1460, S 1461, and S 1463** with the recommendation that they do pass.

CAMERON, Chairman

S 1458, S 1459, S 1460, S 1461, and S 1463 were filed for second reading.

March 21, 2006

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 754, H 756, H 757, H 726, H 744, and H 765** with the recommendation that they do pass.

BUNDERSON, Chairman

H 754, H 756, H 757, H 726, H 744, and H 765 were filed for second reading.

March 21, 2006

The EDUCATION Committee reports out **H 770** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

GOEDDE, Chairman

There being no objection, **H 770** was referred to the Fourteenth Order of Business, General Calendar.

March 21, 2006

The EDUCATION Committee reports out **S 1377** with the recommendation that it do pass.

GOEDDE, Chairman

S 1377 was filed for second reading.

March 22, 2006

The JUDICIARY AND RULES Committee reports out **H 630**, as amended, with the recommendation that it do pass.

DARRINGTON, Chairman

H 630, as amended, was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 21, 2006

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have appointed Burnie Clark of Boise, Idaho, to be Acting State Senator for Legislative District 19, Ada County. This appointment will be effective Wednesday, March 22, 2006, and will continue until such time as Senator Mike Burkett is able to resume his duties.

Sincerely,
/s/ Dirk Kempthorne
Governor

THE OFFICE OF THE GOVERNOR EXECUTIVE DEPARTMENT BOISE, IDAHO CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents that pursuant to the provisions of Section 59-917, *Idaho Code*, Mike Burkett, State Senator, District 19, Ada County, State of Idaho, has nominated Burnie Clark of Boise, Idaho, to perform the duties of this office temporarily as Acting State Senator, District 19, Ada County.

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint Burnie Clark to the office of State Senator, District 19, Ada County, State of Idaho, for a term commencing on March 22, 2006, and continuing until such time as Senator Mike Burkett is able to resume his duties.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this twenty-second day of March, in the year of our Lord Two thousand and six and of the Independence of the United States of America, the two hundred and thirtieth year.

/s/ BY THE GOVERNOR DIRK KEMPTHORNE
/s/ SECRETARY OF STATE BEN YSURSA

The correspondence and Certificate of Appointment were ordered filed in the office of the Secretary of the Senate.

The President announced that the Oath of Office had been administered previously to Acting Senator Burnie Clark, and he was recorded present at this order of business.

The Senate advanced to the Ninth Order of Business.

Messages from the House

March 21, 2006

Mr. President:

I transmit herewith **H 737**, as amended, **H 817, H 818, H 826, H 827, H 828, H 474**, as amended, **H 791, HCR 62, H 745, HCR 45**, and **H 795** which have passed the House.

JUKER, Chief Clerk

H 737, as amended, **H 817, H 818, H 826, H 827, H 828, H 474**, as amended, **H 791, HCR 62, H 745, HCR 45**, and **H 795** were filed for first reading.

March 21, 2006

Mr. President:

I return herewith **S 1417, S 1443, S 1444, S 1445, S 1446**, and **S 1447** which have passed the House.

JUKER, Chief Clerk

S 1417, S 1443, S 1444, S 1445, S 1446, and **S 1447** were referred to the Judiciary and Rules Committee for enrolling.

March 21, 2006

Mr. President:

I return herewith **S 1389**, as amended in the House, which has passed the House.

JUKER, Chief Clerk

On request by Senator Stegner, granted by unanimous consent, **S 1389**, as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

March 21, 2006

Mr. President:

I transmit herewith Enrolled **HCR 38, HCR 58**, and **HCR 54** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **HCR 38, HCR 58**, and **HCR 54** and ordered them returned to the House.

March 21, 2006

Mr. President:

I return herewith Enrolled **S 1430, S 1431, S 1432, S 1434, S 1435**, and **S 1436** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1430, S 1431, S 1432, S 1434, S 1435**, and **S 1436** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced the State Affairs Committee report relative to the Gubernatorial appointment of Jeffrey L. Bowen was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by President Pro Tempore Geddes, seconded by Senator Stennett, the Gubernatorial appointment of Jeffrey L. Bowen as a member of the Bingo-Raffle Advisory Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

Senators Cameron, Lodge, and Pearce were recorded present at this order of business.

The President announced that **SCR 133** was before the Senate for final consideration.

Moved by Senator Bunderson, seconded by Senator Stennett, that **SCR 133** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Goedde. Total - 1.

Total - 35.

Whereupon the President declared **SCR 133** adopted, title was approved, and the resolution ordered transmitted to the House.

The President announced that **HCR 59** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Williams, seconded by Senator Stennett, **HCR 59** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that **HJM 21** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Pearce, seconded by Senator Malepeai, **HJM 21** was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, **HJM 18**, as amended, retained its place on the calendar for one legislative day.

The President announced that the House amendments to **S 1389**, as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to **S 1389**, as amended in the House?"

On request by Senator Stegner, granted by unanimous consent, the Senate concurred in the House amendments to **S 1389**, as amended in the House.

S 1389, as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1464

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF FINANCE FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE ALLOCATION OF SALARY SAVINGS; AND PROVIDING LEGISLATIVE INTENT REGARDING THE SPENDING AUTHORITY RELATING TO LEASE INCREASES.

S 1465

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS FOR THE IDAHO WOMEN'S COMMISSION FOR FISCAL YEAR 2007; EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO CERTAIN EXPENDITURES; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

S 1466

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS FOR THE STATE LIQUOR DISPENSARY FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; CREATING THE LIQUOR WAREHOUSE REMODEL FUND; TRANSFERRING MONEYS FROM THE LIQUOR CONTROL FUND TO THE LIQUOR WAREHOUSE REMODEL FUND; DIRECTING THE ALLOCATION OF SALARY SAVINGS; AND DECLARING AN EMERGENCY.

S 1467

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE INDUSTRIAL COMMISSION FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE ALLOCATION OF SALARY SAVINGS;

AND PROVIDING LEGISLATIVE INTENT REGARDING THE SPENDING AUTHORITY RELATING TO LEASE INCREASES.

S 1464, S 1465, S 1466, and S 1467 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 737, as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

H 817, H 818, H 826, H 827, and H 828, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

H 474, as amended, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 791, by Ways and Means Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

HCR 62, by Ways and Means Committee, was introduced, read at length, and referred to the State Affairs Committee.

H 745, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

HCR 45, by Revenue and Taxation Committee, was introduced, read at length, and referred to the Judiciary and Rules Committee.

H 795, by Ways and Means Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 743, by Ways and Means Committee, was read the second time at length and filed for third reading.

H 808, H 809, H 810, H 811, H 812, and H 813, by Appropriations Committee, were read the second time at length and filed for third reading.

S 1456 and S 1457, by Finance Committee, were read the second time at length and filed for third reading.

H 650, as amended, by Resources and Conservation Committee, was read the second time at length and filed for third reading.

H 776, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Senator Goedde was recorded present at this order of business.

On request by Senator McKenzie, granted by unanimous consent, **H 717**, as amended in the Senate, as amended in the Senate, having been held, was recommitted to the State Affairs Committee.

The President called Senator Little to the Chair.

H 712, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Marley arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Call of the Senate was requested by Senators Darrington, Davis, and Stegner.

Whereupon the President ordered the doorkeepers to lock the doors permitting no Senator to leave the Senate Chamber. The Sergeant at Arms was instructed to find and present any absent members to the Senate.

Roll call showed all members present except President Pro Tempore Geddes.

The President directed the Sergeant at Arms to find and present President Pro Tempore Geddes to the Senate.

President Pro Tempore Geddes was recorded present.

On request by Senator Darrington, granted by unanimous consent, the Call was lifted.

The question being, "Shall **H 712** pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 712** passed, title was approved, and the bill ordered returned to the House.

H 545, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Stegner, Stennett, Sweet, Werk, Williams. Total - 30.

NAYS--Brandt, Broadsword, Goedde, Pearce, Schroeder. Total - 5.

Total - 35.

Whereupon the Acting President declared **H 545** passed, title was approved, and the bill ordered returned to the House.

The President returned to the Chair.

H 686 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Burtenshaw, Cameron, Clark (Burkett), Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stennett, Sweet, Williams. Total - 27.

NAYS--Bunderson, Coiner, Compton, Corder, Kelly, Little, Stegner, Werk. Total - 8.

Total - 35.

Whereupon the President declared **H 686** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:10 p.m. until the hour of 4:30 p.m. of this day.

**RECESS
AFTERNOON SESSION**

The Senate reconvened at 4:30 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except President Pro Tempore Geddes and Senators Cameron and Malepeai, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

H 687 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Keough disclosed a possible conflict of interest under applicable law.

Pursuant to Senate Rule 39(H), Senator Corder disclosed a possible conflict of interest under applicable law.

Pursuant to Senate Rule 39(H), Senator Fulcher disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Malepeai. Total - 1.

Total - 35.

Whereupon the President declared **H 687** passed, title was approved, and the bill ordered returned to the House.

H 729 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 729** passed, title was approved, and the bill ordered returned to the House.

H 582 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bunderson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 582** passed, title was approved, and the bill ordered returned to the House.

H 680 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 680** passed, title was approved, and the bill ordered returned to the House.

H 793 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 793** passed, title was approved, and the bill ordered returned to the House.

H 794 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 794** passed, title was approved, and the bill ordered returned to the House.

H 797 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Marley arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 797** passed, title was approved, and the bill ordered returned to the House.

H 798 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 798** passed, title was approved, and the bill ordered returned to the House.

H 799 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 799** passed, title was approved, and the bill ordered returned to the House.

H 594 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Clark (Burkett), Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 594** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

General Calendar

The President declared the Senate resolved into the Committee of the Whole and called Senator Stegner to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President Pro Tempore called the Senate to order.

Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out **H 713**, as amended, **H 561**, as amended in the Senate, and **H 770**, without recommendation, amended as follows:

SENATE AMENDMENT TO H 713, As Amended AMENDMENT TO SECTION 1

On page 1 of the engrossed bill, delete lines 16 through 18 and insert: "grounds in this state when the person has reason to believe children under the age of eighteen (18) years are present."; in line 19, delete "remain upon or"; in line 28, delete "sex offender's" and insert: "person's"; delete lines 30 through 39 and insert:

"(2) The provisions of subsections (1)(a) and (1)(b) of this section shall not apply when the person:

(a) Is a student in attendance at the school; or

(b) Is attending an academic conference or other scheduled school event with school officials as a parent or legal guardian of a child who is enrolled in the school and is participating in the conference or event; or

© Resides at a state licensed or certified facility for incarceration, health or convalescent care; or

(d) Is dropping off or picking up a child or children and the person is the child or children's parent or legal guardian; or

(e) Is temporarily on school grounds, during school hours, for the purpose of making a mail, food or other delivery.

(3) Nothing in this section shall prevent a school district from adopting more stringent safety and security requirements for employees and nonemployees while they are in district facilities and/or on district properties."

CORRECTION TO TITLE

On page 1, delete line 6, and insert: "EXCEPTIONS, TO PROVIDE A PENALTY AND TO ALLOW MORE STRINGENT SAFETY AND SECURITY REQUIREMENTS BY SCHOOL DISTRICTS; AND DECLARING AN EMERGENCY."

SENATE AMENDMENT TO THE SENATE AMENDMENT TO H 561

AMENDMENT TO THE AMENDMENTS TO SECTION 1

On page 1 of the printed amendment, in line 3, following "less." insert: "Single tires are prohibited on single axles or within groups of axles except for steering axles, self-steering variable load suspension axles or when equipped with wide-base tires fifteen (15) inches wide or greater."

SENATE AMENDMENT TO H 770 AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 15, following "schools" insert: "serving grades nine (9) through twelve (12)"; and in line 16, following "each" insert: "such".

CORRECTION TO TITLE

On page 1, in line 3, delete "EACH SEPARATE SECOND-" and in line 4, delete "ARY SCHOOL" and insert: "CERTAIN SEPARATE SECONDARY SCHOOLS".

The Committee also has **S 1387**, **S 1241**, **S 1441**, and **S 1448** under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Malepeai, the report was adopted by voice vote.

H 713, as amended, as amended in the Senate, **H 561**, as amended in the Senate, as amended in the Senate, and **H 770**, as amended in the Senate, were filed for first reading as amended, and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 6:10 p.m. until the hour of 9 a.m., Thursday, March 23, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary